



Express Mail Label No.

Dated: 12-15-04

HWD
Docket No.: 03153/100J891-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Stephen R. Quake et al.

Application No.: 10/825,567

Confirmation No.: 9115

Filed: April 15, 2004

Art Unit: 2872

For: MICROFABRICATED LENSES, METHOD OF
MANUFACTURE THEREOF, AND
APPLICATIONS THEREFOR

Examiner: M. A. Robinson

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In the Office Action mailed October 1, 2004, the Examiner has required restriction between the following five inventions:

- I. Claims 2 and 3, drawn to specifics of the solid immersion lens;
- II. Claims 6-8, drawn to a microfluidic chip with lens;
- III. Claim 9, drawn to a photo collection system with lens;
- IV. Claims 4 and 5, drawn to a microscope with lens; and
- V. Claim 10, drawn to an imaging method.

The Examiner further contends that the application contains claims directed to the following patentably distinct species of the claimed invention.

- A. device as shown in Fig. 1;
- B. device as shown in Fig. 7;
- C. device as shown in Fig. 17;
- D. device shown in Fig. 28C; and
- E. device shown in Fig. 29.

Applicants hereby provisionally elect the invention of Group I, claims 2 and 3 and further elect species E which is defined by Figure 29 for further prosecution on the merits (claim 1 being a linking claim). Applicants submit that claims 1-3 are readable on the elected Invention (Group I) and species E and therefore, claims 1-3 should be examined.

Applicants hereby reserve the right to continue prosecution of the non-elected claims in a divisional application.

It is believed that the present communication is fully responsive to the outstanding Office Action.

Dated: December 13, 2004

Respectfully submitted,

By _____
Edward J. Ellis

Registration No.: 40,389
DARBY & DARBY P.C.
P.O. Box 5257
New York, 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant